

The Law Offices of Avrum J. Rosen, PLLC
Proposed Counsel to Richard L. Stern, Trustee
38 New Street
Huntington, New York 11743
631 423 8527
Fred S. Kantrow
Scott T. Dillon

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 7

A TO Z PRINTING, LTD.,

Case No.: 15-71465-reg

Debtor.

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A TO Z PRINTING, LTD.,

Plaintiff,

-against-

Index No. 12-1474

ARTHUR KAPLAN and DEBORAH KAPLAN
a/k/a DEBBIE KAPLAN,

Defendants.

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ARTHUR KAPLAN, individually and as
President of and for the benefit of A TO Z
PRINTING, LTD.,

Plaintiffs,

-against-

Index No. 12-9043

MARK ERENBERG and A TO Z PRINTING,
LTD., (as nominal defendant),

Defendants.

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**NOTICE OF REMOVAL OF STATE COURT ACTIONS TO UNITED STATES
BANKRUPTCY COURT UNDER 28 U.S.C. § 1452 AND RULE 9027(a)
OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

RICHARD L. STERN, Chapter 7 trustee (“Trustee”), of the bankruptcy estate of A to Z Printing, Ltd., debtor (“Debtor”), by and through his proposed counsel, The Law Offices of Avrum J. Rosen, PLLC, hereby gives notice and removes to the United States Bankruptcy Court, Eastern District of New York, under 28 U.S.C. § 1452 and Rule 9027(a) of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”), the actions styled: (i) *A to Z Printing, Ltd., Plaintiff, against Arthur Kaplan and Deborah Kaplan a/k/a/ Debbie Kaplan, Defendants*, pending in the Supreme Court of the State of New York, County of Nassau, Index No. 12-1474 (“Initial State Court Action”); and (ii) *Arthur Kaplan, individually and as President of and for the benefit of A to Z Printing, Ltd., Plaintiffs, against Mark Erenberg and A to Z Printing, Ltd., (as a nominal defendant), Defendants*, pending in the Supreme Court of the State of New York, County of Nassau, Index No. 12-9043 (“Second State Court Action”), and respectfully represents as follows:

1) On April 7, 2015 (“Filing Date”), A to Z Printing, Ltd., debtor (the “Debtor”) filed a voluntary petition for relief under Chapter 7 of Title 11, United States Code (“Bankruptcy Code”) with the United States Bankruptcy Court, Eastern District of New York (“Court”).

2) Richard L. Stern was appointed interim Chapter 7 Trustee of Debtor’s estate by the Office of the United States Trustee subsequent to the Filing Date.

3) Prior to the Filing Date, on or about February 2, 2012, Debtor commenced the Initial State Court Action against Arthur Kaplan (“Kaplan”) and Deborah Kaplan. Debtor seeks damages against defendants, alleging causes of action of, *inter alia*: (i) breach of fiduciary duty; (ii) conversion, and (iii) *prima facie* tort, based on allegations that a principal of Debtor (Kaplan) depleted assets of Debtor for his own pecuniary interests and transferred such assets to his wife (Mrs. Kaplan). The Summons and Complaint, dated February 2, 2012, filed in the Initial State Court Action by Plaintiff is annexed hereto as Exhibit “A”. Upon information and belief, defendants’

timely answered the complaint and in fact, defendant Deborah Kaplan may have been dismissed from the action on summary judgment. A copy of the Answer is annexed hereto as Exhibit “B”.

4) Prior to the Filing Date, on or about July 17, 2012, Kaplan and Debtor commenced the Second State Court Action against Mark Erenberg (“Erenberg”) and Debtor, as nominal defendant. Kaplan, *vis a vis* Debtor, seeks damages against Erenberg, alleging causes of action of, *inter alia*: (i) breach of fiduciary duty; (ii) intentional tort; (iii) intentional infliction of economic harm; and (iv) seeking declaratory judgment removing Erenberg from management of Debtor, based on allegations that a principal of Debtor (Erenberg) depleted assets of Debtor for his own pecuniary interests. The Summons and Complaint, dated July 17, 2012, filed in the Second State Court Action by Plaintiff is annexed hereto as Exhibit “C”. Erenberg/Debtor timely answered the complaint and asserted counterclaims in this action against Kaplan/Debtor, alleging causes of action of, *inter alia*: (i) breach of fiduciary duty; (ii) conversion; (iii) prima facie tort; and (iv) replevin.

5) The Initial State Court Action and Second State Court Action relate to, and concern, property of Debtor’s estate, the administration of the estate, the ability of Trustee to expeditiously liquidate property of Debtor’s estate, and to resolve pending litigation against Debtor’s estate. This Court has jurisdiction over these matter pursuant to 28 U.S.C. §§ 157 and 1334. The Initial State Court Action and Second State Court Action are actions which may be removed pursuant to 28 U.S.C. § 1452. Upon removal of the Initial State Court Action and Second State Court Action, the matters will be a core proceeding under 28 U.S.C. §§ 157(b)(2)(A), (B), (K) and (O).

6) This Notice of Removal is timely filed under Bankruptcy Rule 9027(a)(2).

Dated: Huntington, New York
April 28, 2015

The Law Offices of Avrum J. Rosen, PLLC
Proposed Counsel to Trustee

By: /s/ Scott T. Dillon
Fred S. Kantrow
Scott T. Dillon

38 New Street
Huntington, New York 11743
(631) 423-8527
scottdillonesq@gmail.com